ANNUAL REPORT
2004-2005

Ontario

June 2005
Chair – Kevin Whitaker

ONTARIO LABOUR RELATIONS BOARD
ANNUAL REPORT
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Chair's Message

The first responsibility of the Ontario Labour Relations Board is to provide quick, practical, fair and effective dispute resolution services in labour and employment disputes. Although the range and type of work we do has changed over time, this first responsibility remains the same one that informed the Board's work when it was first created in the spring of 1944.

In 2005, the Board exercises authority under a broad range of some twenty different workplace and employment related laws. In addition to those areas of law for which we are formally responsible, we also provide administrative and institutional support for other workplace related agencies such as the Pay Equity Hearings Tribunal, the Colleges Relations Commission and the Education Relations Commission.

The Board is no longer just concerned with the supervision and regulation of collective bargaining in the province of Ontario - but rather co-ordinates and regulates just about every aspect of workplace governance that falls within the responsibility of the provincial government.

During the period covered by this Report, measured in a variety of different ways, the Board has experienced an increase in its workload. Our resources, both budget and staff size, have remained the same from the previous year. Despite these constraints, and by continuing to devise and implement creative ways to resolve workplace conflict, we do more with less.

Our ability to adapt with and manage the ever changing world of labour and employment matters in this province turns on our integration into the communities we serve. We are grateful for the continuing support and guidance that we get from you, the users of our services.

I would like to conclude by thanking the staff of the Ontario Labour Relations Board for their tireless dedication to the highest standards of public service. We are blessed with some of the most skilled adjudicators, professional and administrative staff to be found across Canada. In particular, I would like to congratulate Esther Foorer our Co-ordinator of Client Services on her fortieth anniversary of employment with the Board. Esther's is a rare achievement and epitomizes the exceptional depth of commitment by our staff to the service of the people of Ontario.

We look forward to another year of providing the best possible workplace and employment problem solving. As always, we welcome and value your comments and suggestions.

Kevin Whitaker

Chair:

Ontario Labour Relations Board

Colleges Relations Commission

Education Relations Commission

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OLRB Annual Report 2004-2005

Ontario

Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2005 was prepared under my direction for submission to the Minister of Labour in accordance with the ***Agency Establishment and Accountability Directive – February 2000***, as issued by Management Board of Cabinet .

Preface

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Business Plan of the Ministry of the Labour, which is to be released in the fall of each year, contains the Ministry's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the ***Agency Establishment and Accountability Directive***, including:

- financial statements that have been audited or subject to the appropriate level of external assurance;
- analysis of operational performance;
- analysis of financial performance;
- names of appointees and term of appointments
- performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2004 to March 31, 2005.

I Organizational Overview

- Core Business, Legislative Authority, Mandate
- OICs and Staff

OLRB - Core Business

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act,* R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act,* R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
  - *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  - *Environmental Protection Act*, R.S.O. 1990, c. E.19
  - *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  - *Pesticides Act*, R.S.O. 1990, c. P.11
  - *Fisheries Act*, R.S.C. 1970, c. F-14
- *Fire Protection and Prevention Act, 1997,* S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service Act*, R.S.O. 1990, c. P.47
- *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13

The Ontario Labour Relations Board (the "Board") was established by section 2 of the *Labour Relations Act, 1948* and is continued by subsection 110(1) of the *Labour Relations Act, 1995*S.O. 1995, C1, as amended. The Board is an adjudicative agency of the Government of Ontario and its staff is appointed under the *Public Service Act*.

The Board is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. It plays a fundamental role in the labour relations regime in Ontario and encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.

2. To recognize the importance of workplace parties adapting to change.

3. To promote flexibility, productivity and employee involvement in the workplace.

4. To encourage communication between employers and employees in the workplace.

5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, Vice-Chairs, and Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. However, it is important to recognize that legal rights are in issue, the statutory framework is often complex, and, these days, it is common for parties to be represented by lawyers.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness. The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available on the OLRB's website www.gov.on.ca/lab/olrb/eng/homeeng.htm or, directly, from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

Order in Council (OIC) Appointments:

CHAIR		
Kevin Whitaker	Sep 20/04 – Sep 19/07	Sep 20/01-C; Mar 22/95-VC; PT- June 24/98-Dec 22/99
ALTERNATE CHAIR		
Mary Ellen Cummings	Aug 13/02 – Aug 12/05	Jan 1/99 – Alt; Aug 13/97– VC
VICE-CHAIRS (Full Time) – 14		
Ian B. Anderson	Mar 24/04 – Mar 23/07	March 24, 2004
Peter F. Chauvin	Mar 24/04 – Mar 23/07	March 24, 2004
Harry Freedman	Jul 08/04 – Jul 07/07	July 8, 1998
Patrick M. Kelly	May 17/02 – May 16/05	May 17, 1999
David A. McKee	Apr 29/02 – Apr 28/05	April 29, 1999
Mary Anne McKellar	Jan 24/04 – Jan 23/07	January 24, 2001
Brian C. McLean	Jul 08/04 – Jul 07/07	July 8, 1998
Corinne F. Murray	Feb 03/03 – Feb 02/06	February 3, 2003
Caroline Rowan	May 06/02 – May 05/05	May 6, 1999
Timothy W. Sargeant	Feb 28/05 – Feb 27/08	February 28, 1996
Susan J. Serena	May 28/03 – May 27/06	May 28/03
Marilyn Silverman	Apr 29/02 – Apr 28/05	April 29, 1999
Jack J. Slaughter	Feb 03/03 – Feb 02/06	February 3, 2003
Tanja Wacyk	May 28/03 – May 27/06	May 28, 2003
Kelly A. Waddingham	Jan 01/05 – Dec 31/07	PT April 7, 2004; FT Jan 1/05
VICE-CHAIRS (Part Time) - 6		
Christopher J. Albertyn	Sep 01/04 – Aug 31/07	Oct 7/94; PT to Mar 8/95; PT – Sep 1/04
Bruce Binning	Aug 25/04 – Aug. 24/07	PT August 24, 2004
Norman Jesin	Aug 25/04 – Aug 24/07	PT August 25, 2004
Stephen C. Raymond	May 03/03 – May 02/06	May 3, 2000; PT May 3, 2003
Laura Trachuk	Jan 01/04 - Dec 31/06	Feb. 3, 1993; PT Jan. 1, 2004

BOARD MEMBERS	**PERIOD**	**ORIGINAL APPT.**
EMPLOYERS – Full Time - 5		
Richard J. O'Connor	Nov 06/02 – Nov 05/05	November 6, 2002
Glenn A. Pickell	Mar 25/04 – Mar 24/07	March 25, 1998
James A. Ronson	Jul 26/03 – Jul 25/05	July 26, 1979
Judith A. Rundle	Jul 17/04 – Jul 16/07	July 17, 1986
John A.Tomlinson	Nov 06/02 – Nov 05/05	November 6, 2002
EMPLOYEES – Full Time - 6		
Alan Haward	Mar 25/04 – Mar 24/07	March 25, 1998
George S. McMenemy	Nov 05/01 – Nov 04/04	November 5, 1992
Rene R. Montague	Mar 06/04 – Mar 05/07	March 6, 1986
David A. Patterson	Apr 02/04 – Apr 01/07	April 2, 1986
Hugh Peacock	Nov 13/04 – May 12/05	November 13, 1986
Len Wood	Sep 23/02 – Sep 22/05	September 23, 2002

Board Staff

The OLRB's operations and staff can be broadly divided into: The Board, Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are civil service appointments. The Board is composed of a Chair, an Alternate Chair, Vice-Chairs and Board Members. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council as Order in Council appointments (OIC).

ADMINISTRATION:

Office of the Director and Registrar

The Director and Registrar is the chief administrative officer of the Board. He is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director and Registrar oversees the effective processing and scheduling of each case, and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director and Registrar's office.

Manager of Administration

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

Library Services

The Ontario Workplace Tribunals Library is situated in the same building as the Board – 505 University Avenue –on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

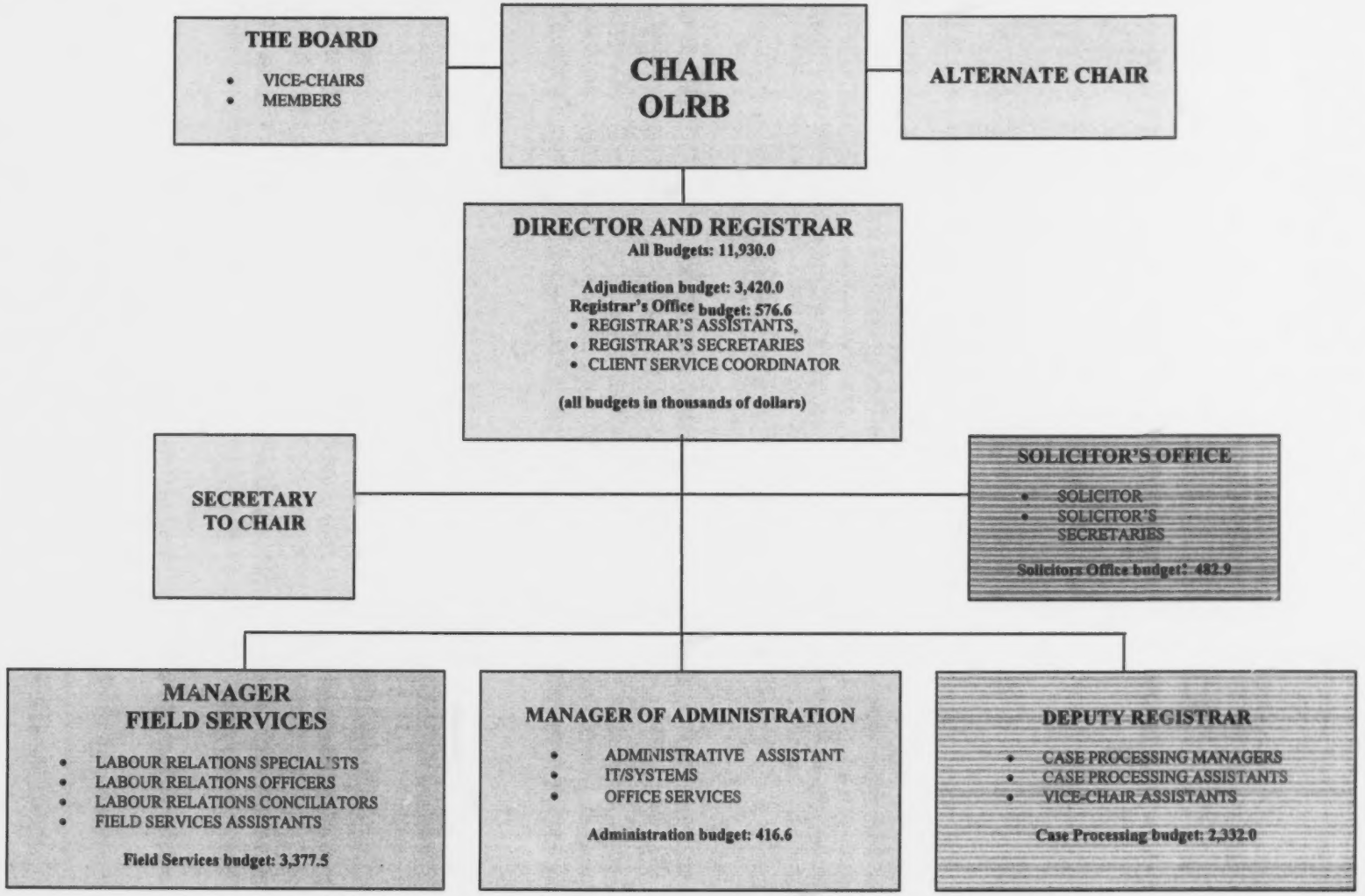
FIELD SERVICES:
(Mediation)

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, Labour Relations Specialists, and Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

LEGAL SERVICES:

Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

ONTARIO LABOUR RELATIONS BOARD



March 2005

II Executive Summary – Overview of Results

Operational Performance:
- Caseload analysis
- Caseload and statistical tables

OLRB - Operational Performance:

CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2004-2005

Caseload Analysis

In fiscal year 2004-2005, the Board had a total caseload of 6,467 applications, appeals and complaints, an increase of 7.0% over 2003-2004.

The Board received 4,566 new cases and 1,901 cases were carried over from the previous year. Of the total caseload, 4,449 were disposed of during the year and 2,018 were pending in various stages of processing/mediation/adjudication at March 31, 2005.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

Labour Relations Specialists and Officers are the Board's professional mediators. They are assigned to every Board case in an effort to facilitate settlements in matters brought before the Board, without the need for formal litigation before the Board itself. **(Table 3)**

Of those cases in which activity was completed and cases disposed by the end of the year, 82.1% of these cases were settled with the assistance of Labour Relations Officers. Officers referred 740 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,856 cases at March 31, 2005.

Vice-Chair/Adjudicator Decisions

Vice-Chairs wrote 4,379 **decisions** covering 2,980 cases between April 1, 2004 and March 31, 2005.

Disposition Time – Major Categories

Table 6 provides statistics on the time taken by the Board to process the 3,660 cases disposed of in 2004-2005, excluding cases in which proceedings were adjourned sine die. Information is shown separately for the three major categories of cases handled by the Board – Certification applications, complaints of Contravention of the Act, and Referrals of Grievances under Construction Industry Collective Agreements – and for the remaining categories combined.

Overall median times to proceed from filing to disposition for the 3,660 cases **was 42 days. Median times for the three major categories of cases:** 762 certification applications were processed in a median of 20 days; 750 complaints of contravention of the Act took 63 days; 468 referrals of construction industry grievances required 11 days, and the remaining 1,680, for all other categories combined, took 63 days.

Certification of Bargaining Agents

In 2004-2005, the Board received 759 applications for certification of trade unions as bargaining agents of employees, an increase of 4.11 percent from 2003-2004. (Table 1)

In addition to the 759 applications received, 315 cases were carried over from last year, making a total certification caseload of 1,074 in 2004-2005. Of the total caseload, 811 were disposed of and 263 cases were pending at March 31, 2005. Of the 811 dispositions, certification was granted in 428 cases; 217 cases were dismissed; 1 case was terminated; and 165 cases were settled. The certified cases represented 18.2 percent of the total dispositions. **(Table 1)**

Of the 640 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 644 votes conducted, 502 involved a single union on the ballot, and 142 were between two unions. Applicants won in 434 of the votes and lost in the other 210. (Table 5)

A total of 27,858 employees were eligible to vote in the 644 elections, of whom 22,878 or 82.1 percent cast ballots. In the 434 votes that were won and resulted in certification, 9,753 or 42.6 percent of the 22,878 employees eligible to vote cast ballots. Of these voters, 7,001 or 54.3 percent favoured union representation. In the 210 elections that were lost and resulted in dismissals, 12,889 employees participated, and, of these, 7,001 or 54.3 percent voted for union representation. **(Table 5)**

Nine unions, each with more than 25 applications, accounted for 66.5 percent of the total filings: Labourers (159), Carpenters (104), Canadian Auto Workers (44), Canadian Union of Public Employees (CUPE) (41), Teamsters (40), Food and Commercial Workers (32), Bricklayers (33), Plumbers (26), United Steelworkers (26). In contrast, twelve unions filed fewer than five applications each. These unions together accounted for 3.29 percent of the total certification filings. **(Table 7)**

Table 8 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 95.3 percent of the applications received, concentrated in construction (332) and other services (229). These two groups comprised 77.6 percent of the total non-manufacturing applications. The 36 applications involving establishments in manufacturing industries comprised 4.74% percent of the new applications.

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 2004-2005. The average size of the 428 bargaining units in the 428 applications that were certified was 43 employees, compared with 40 employees in 2003-2004. The 195 units in construction certifications averaged 7 employees, and the 233 units in non-construction certifications averaged 50 employees. Eighty-three point four percent of the total certification applications involved units of fewer than 40 employees, and 46.3 percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted decreased to 11,610 from 12,130 in 2004-2005. **(Table 9)**

Of the employees covered by the certification applications granted, 4, or 0.9 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 79 employees. Full-time and part-time employees were represented in units covering 10,922 employees, including units that did not specifically exclude employees working 24 hours or less a week. **(Tables 11 and 12)**

Twenty-eight (28) percent of the employees, or 3,246 were employed in production and related occupations. **(Tables 13 and 14)**

Disposition Time – Certifications Granted

A median time of 20 calendar days was required to complete the 428 certification applications granted from receipt to disposition. For non-construction certification, the median time was 20 days for 233 cases; and for construction certification, the median time was 27 days for 195 cases. **(Table 10)**

Sixty-eight point seven (68.7) percent of the 428 certification applications granted were disposed of in 84 days (3 months) or less. **(Table 10).**

Termination of Bargaining Rights

In 2004-2005, the Board received 132 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 44 cases were carried over from 2003-2004. **(Table 1)**

Of the 176 cases processed, bargaining rights were terminated in 1 case, 38 cases were dismissed, 33 cases were settled and 35 cases were pending at March 31, 2005.

80 representation votes were held on 107 cases that were either granted or dismissed. A total of 2,599 employees were eligible to vote in the 80 elections that were held, of whom 2,250 or 86.6 percent cast ballots. Of those who cast ballots, 332 voted for continued representation by unions and 591 voted against. **(Table 5)**

Representation Votes

In 2004-2005, the Board's Labour Relations Officers and Conciliators conducted a total of 811 representation votes among employees in one or more bargaining units. Of the 811 votes conducted, 723 involved certification applications, and 88 were held in applications for termination of existing bargaining rights. **(Table 4)**

Of the certification votes, 596 involved a single union on the ballot, and 125 involved two unions, and 2 involved three unions.

A total of 34,847 employees were eligible to vote in the 811 elections that were conducted, of whom 29,544 or 84.8 percent cast ballots. Of those who participated, 40.5 percent voted in favour of union representation. In the 723 elections in certification applications, 84.5 percent of the eligible voters cast ballots, with 41.1 percent of the participants voting for union representation.

In the 88 votes in applications for termination of bargaining rights, 88.5 percent of the eligible voters cast ballots, with only 32.9 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 22 requests dealt with by the Board during the fiscal year, 7 cases were granted, 13 cases were dismissed, 1 case was settled, and the remaining case was pending at March 31, 2005. **(Table 1)**

In the 19 votes held, employees accepted the employer's offer in 7 cases and rejected the offer in 13 cases.

Declaration of Successor Trade Union

In 2004-2005, the Board dealt with 123 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 67 cases.
(Table 1)

Declaration of Successor or Common Employer Status

In 2004-2005, the Board dealt with 282 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 24 cases, 9 applications were dismissed, 82 cases were settled and 167 cases were pending at March 31, 2005. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2004-2005, the Board dealt with 13 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Eight cases were settled, and two cases were granted. Two cases were pending at March 31, 2005. **(Table 1)**

The Board dealt with nine applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers. Of these, six cases were settled, two were granted and two were pending at March 31, 2005. **(Table 1)**

Consent to Prosecute

In 2004-2005, the Board dealt with 7 applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. Three cases were settled, two cases were dismissed and the remaining two cases were pending at March 31, 2005. **(Table 1)**

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes settlements facilitated by its labour relations officers.

In 2004-2005, the Board received 913 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 511 cases were carried over from 2004-2005. Of the 1,424 cases processed, 695 were settled, and 508 cases were pending at March 31, 2005. **(Table 1)**

In 772, or 84.3 percent, of the 916 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 15 cases, 200 cases were dismissed, and 6 cases were terminated. **(Table 1)**

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 2004-2005, the Board received 946 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 141 were carried over from 2003-2004. Of the total 1,087 processed, 862 were disposed of; of these, awards were made by the Board in 176 cases, 8 cases were dismissed, and 225 cases were pending at March 31, 2005. **(Table 1)**

In 755, or 87.6, percent of the 862 dispositions, settlements and withdrawal of the grievance were obtained by labour relations officers. **(Table 3)**

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Two applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. One application was settled. **(Table 1)**

Early Termination of Collective Agreements

Seven applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in five cases, and one remained pending at March 31, 2005. **(Table 1)**

Union Financial Statements

Nine complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. Five applications were settled, three were dismissed, and one case was pending March 31, 2005. **(Table 1)**

Jurisdictional Disputes

Sixty-seven complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in 27 cases, 16 cases were settled, 7 cases were dismissed, and 40 cases were pending at March 31, 2005. **(Table 1)**

Referral on Employee Status

The Board dealt with 37 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Fifteen cases were settled by the parties in discussions with labour relations officers. Three cases were granted, one case was dismissed and the remaining eighteen cases were pending at March 31, 2005. **(Table 1)**

Referrals by Minister of Labour

In 2003-2004, the Board dealt with 10 cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Two applications were settled, and the remaining two cases were pending at March 31, 2005. **(Table 1)**

The Board also dealt with 6 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act*. Three applications were granted, one was dismissed, one was settled and the remaining case was pending at March 31, 2005. **(Table 1)**

First Agreement Arbitration

In 2004-2005, the Board processed 10 applications for directions to settle first agreements by arbitration. Three cases were settled, and six cases were pending at March 31, 2005. **(Table 1)**

Occupational Health and Safety Act

In 2004-2005, the Board received 105 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Fifty-five cases were carried over from 2003-2004.

Of the total 160 cases processed, 107 cases were disposed of. Of these, 78 cases were settled by the parties in discussions with labour relations officers **(Table 3)**. Twenty-five cases were dismissed, one case was terminated, and the remaining 53 were pending at March 31, 2005.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,704 appeals during 2004-2005. Of the 1,171 cases that were disposed of, 87 were granted, 214 were dismissed, 802 cases were settled, 68 were terminated, and 533 cases were pending at March 31, 2005. **(Table 1)**

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

Two hundred and sixteen appeals were dealt with by the Board in 2004-2005. Of the 127 cases that were disposed of, 5 appeals were granted, 25 were dismissed, 94 cases were settled, 3 were terminated and 89 cases were pending at March 31, 2005. **(Table 1)**

Applications under The Public Sector Labour Relations Transitions Act

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2004-2005, the Board processed 2 applications under *the Public Sector Labour Relations Transition Act, 1997.* Of the 2 cases processed, 2 cases were granted. **(Table 1)**

COURT ACTIVITY 2004-2005

On April 1, 2004, there were twenty-five Board matters pending before the Courts, twenty-four at Divisional Court, and one matter seeking leave before the Court of Appeal.

During the 2004-2005 fiscal year, there were twenty new applications for judicial review of Board decisions filed with the Ontario Superior Court of Justice (Divisional Court).

Twenty-three matters were disposed of by the Divisional Court. Eleven were dismissed; eleven were abandoned or withdrawn; one was granted.

There was one motion for a stay argued before the Divisional Court; it was dismissed.

The Ontario Court of Appeal received four new motions for leave to appeal, in addition to the earlier pending matter. Three were dismissed; one was granted; one remains pending.

The Supreme Court of Canada entertained two motions for leave: one was denied; one is outstanding.

On March 31, 2005, there were twenty-four outstanding court applications, twenty-two at Divisional Court, one before the Court of Appeal, and one at the Supreme Court of Canada.

Table 1
Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 2004-05

Type of Case	Caseload			Disposed of Fiscal Year 2003-04					
	Total	Pending April 1, 2004	Received Fiscal Year 2004-05	Total	Granted*	Dismissed	Terminated	Withdrawn/ Sine Die	Pending March 31, 2005
Total	6,467	1,901	4,566	4,449	909	765	80	2,695	2,018
CERTIFICATION OF BARGAINING AGENTS	1,074	315	759	811	428	217	1	165	263
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	176	44	132	141	69	38	1	33	35
ACCREDITATION	1	1	0		1	0	0	0	0
DECLARATION OF SUCCESSOR TRADE UNION	123	0	123	70	67	0	0	3	53
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	282	138	144	115	24	9	0	82	167
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	22	1	21	18	4	0	0	14	4
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	0			0				0	
CONSENT TO PROSECUTE	7	2	5	5	0	2	0	3	2
CONTRAVENTION OF ACT	1,424	511	913	916	15	200	6	695	508
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	2	0	2	1	0	0	0	1	1
EARLY TERMINATION OF COLLECTIVE AGREEMENT	7	0	7	6	5	1	0	0	1
TRADE UNION FINANCIAL STATEMENT	9	6	3	8	0	3	0	5	1
JURISDICTIONAL DISPUTE	67	24	43	27	4	7	0	16	40
REFERRAL ON EMPLOYEE STATUS	37	11	26	19	3	1	0	15	18
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	10	3	7	7	3	1	0	3	3
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,087	141	946	862	176	8	0	678	225
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	160	55	105	107	3	25	1	78	53
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	3	3	0	3	0	0	0	3	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	0	0	0	0	0	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	10	4	6	4	1	0	0	3	6
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	8	4	4	2	2	0	0	0	6
FINAL OFFER VOTE**	22	3	19	21	7	13	0	1	1
EMPLOYMENT STANDARDS ACT (APPEAL)	1,704	543	1,161	1,171	87	214	68	802	533
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	216	83	133	127	5	25	3	94	89
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	2	2	0	2	2	0	0	0	0
PROJECT AGREEMENT APPLICATION	1	1	0	0	0	0	0	0	1
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	8	3	5	4	3	0	0	1	4
OTHER CASE TYPES	4	2	2		0	1	0	0	3

* Includes cases in which a request was granted or a determination made by the Board.
** For final Offer Votes, "Granted" indicates that the offer was accepted and "Dismissed" indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 2000-01 to 2004-05

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	2000-01	2001-02	2002-03	2003-04	2004-05	Total	2000-01	2001-02	2002-03	2003-04	2004-05
Total	21,205	4,099	3,900	4,324	4,316	4,566	21,281	4,702	3,958	4,039	4,133	4,449
CERTIFICATION OF BARGAINING AGENTS	3,620	850	624	658	729	759	3,635	927	686	627	584	811
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	662	129	180	108	113	132	679	137	174	125	102	141
ACCREDITATION	5	2	1	1	1	0	12	5	4	0	2	1
DECLARATION OF SUCCESSOR TRADE UNION	222	45	38	13	3	123	206	73	44	15	4	70
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	770	175	149	158	144	144	797	229	162	161	130	115
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	115	21	35	22	16	21	120	27	33	21	21	18
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	13	7	3	2	1	0	15	8	2	3	2	0
CONSENT TO PROSECUTE	24	7	3	5	4	5	25	9	3	3	5	5
CONTRAVENTION OF ACT	4,449	903	842	912	879	913	4,533	1,061	871	837	848	916
RIGHT OF ACCESS	0	0	0	0		0	1	1	0	0	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	23	7	9	4	1	2	24	5	5	9	4	1
EARLY TERMINATION OF COLLECTIVE AGREEMENT	50	17	10	8	8	7	50	16	10	9	9	6
TRADE UNION FINANCIAL STATEMENT	20	2	2	9	4	3	31	10	5	2	6	8
JURISDICTIONAL DISPUTE	177	24	30	49	31	43	170	41	24	39	39	27
REFERRAL ON EMPLOYEE STATUS	93	8	14	33	12	26	114	25	14	44	12	19
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	66	14	21	13	11	7	69	13	21	15	13	7
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	1	0	0	0	1	0	0	1	0	0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4,096	780	706	820	844	946	4,055	849	669	831	844	862
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	492	82	97	96	112	105	480	87	91	101	94	107
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	4	1	0	0	3	0	7	3	0	1	0	3
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	1	1	0	0	0	2	1	0	1	0	0
FIRST AGREEMENT ARBITRATION DIRECTION	48	8	14	9	11	6	50	13	15	9	9	4
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	15	2	0	6	3	4	10	2	1	2	3	2
FINAL OFFER VOTE	97	15	31	17	15	19	107	22	32	19	13	21
EMPLOYMENT STANDARDS ACT (APPEALS)	4,945	800	739	1,024	1,221	1,161	4,830	870	744	834	1,211	1,171
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	764	153	161	175	142	133	818	230	145	167	149	127
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	0	0	0	0	0	0	0	0	0	0	0	0
EDUCATION QUALITY IMPROVEMENT ACT APPLICATION	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	91	42	40	6	3	0	104	36	51	11	4	2
CROWN EMPLOYEES COLLECTIVE BARGAINING ACT	147	1	146	0	0	0	147	0	147	0	0	0
PROJECT AGREEMENT APPLICATION	6	1	3	1	1	0	4	0	3	0	1	0
APPLICATION FOR VOTE UNDER COMMUNITY SMALL BUSINESS INVESTMENT FUNDS, MINISTRY OF FINANCE	0	0	0	0		0	2	2	0	0	0	0
FIRE PROTECTION AND PREVENTION ACT	2	2	0	0	0	0	4	0	2	1	1	0
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	10	0	0	2	3	5	6	0	0	0	2	4
OTHER CASE TYPES	176	0	0	173	1	2	173	0	0	151	21	1

Table 3

Labour Relations Officer Activity in Cases Processed *
Fiscal Year 2004-05

Type of Case	Total Cases Assigned	Cases in Which Activity Completed Pending April 1, 2004				
		Total	Number	Percent	Referred to Board	Pending**
Total	6,467	4,128	3,388	82.1	740	1,856
CERTIFICATION OF BARGAINING AGENTS	1,074	811	682	84.1	129	263
SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	282	115	83	72.2	32	167
REFERRAL ON EMPLOYEE STATUS	37	19	16	84.2	3	18
CONTRAVENTION OF ACT	1,424	916	772	84.3	144	508
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,087	862	755	87.6	107	225
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	160	107	88	82.2	19	53
EMPLOYMENT STANDARD ACTS (APPEAL)	1,704	1,171	875	74.7	296	533
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEALS)	216	127	117	92.1	10	89
ALL OTHER CASE TYPES	483	321	269	83.8	52	162

*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

Table 4

Results of Representation Votes Conducted *
Fiscal Year 2004-05

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	811	34,847	29,544	14,120
Certification	723	32,192	27,193	13,246
Regular cases				
One union	367	22,621	18,891	8,264
Two unions	35	6,082	4,338	3,731
Three unions	2	348	258	
Construction cases				
One union	229	2,301	2,594	807
Two unions	90	840	1,112	444
Termination of Bargaining Rights				
One union	88	2,655	2,351	874

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 5

Results of Representation Votes in cases Disposed of *
Fiscal Year 2004-05

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
		Appl. Won	Appl. Lost		In Votes			In Votes			In Votes	
	Total			Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	724	492	232	30,457	13,601	16,856	25,128	10,911	14,217	13,812	7,333	6,479
Certification	644	434	210	27,858	12,242	15,616	22,878	9,753	13,125	12,889	7,001	5,888
Regular cases												
One union	339	220	119	20,178	9,438	10,740	16,594	7,286	9,308	7,731	4,900	2,831
Two unions	26	17	9	5,354	1,511	3,843	3,837	1,045	2,792	3,642	999	2,643
Construction cases												
One union	163	100	63	1,198	564	634	1,334	675	659	573	441	132
Two unions	116	97	19	1,128	729	399	1,113	747	366	943	661	282
Termination												
One union	80	58	22	2,599	1,359	1,240	2,250	1,158	1,092	923	332	591

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 6

Time Required to Process Applications and Complaints Disposed of *, by Major Type of Case, Fiscal Year 2004-05

Time Taken (No. of Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent
Total	3,660	100.0	762	100.0	750	100.0	468	100.0	1,680	100.0
Under 8 days	129	3.5	43	5.6	16	2.1	20	4.3	50	3.0
8-14 days	280	11.2	23	8.7	24	5.3	201	47.2	32	4.9
15-21 days	298	19.3	129	25.6	26	8.8	75	63.2	68	8.9
22-28 days	309	27.8	162	46.9	26	12.3	40	71.8	81	13.8
29-35 days	226	33.9	72	56.3	45	18.3	30	78.2	79	18.5
36-42 days	165	38.4	35	60.9	37	23.2	14	81.2	79	23.2
43-49 days	146	42.4	25	64.2	26	26.7	13	84.0	82	28.0
50-56 days	129	46.0	11	65.6	32	30.9	10	86.1	76	32.6
57-63 days	128	49.5	6	66.4	27	34.5	3	86.8	92	38.0
64-70 days	95	52.0	8	67.5	26	38.0	7	88.2	54	41.3
71-77 days	86	54.4	9	68.6	28	41.7	5	89.3	44	43.9
78-84 days	98	57.1	9	69.8	33	46.1	3	90.0	53	47.0
85-91 days	85	59.4	8	70.9	29	50.0	3	90.6	45	49.7
92-98 days	58	61.0	5	71.5	20	52.7	1	90.8	32	51.6
99-105 days	64	62.7	5	72.2	15	54.7	1	91.0	43	54.2
106-126 days	139	66.5	12	73.8	31	58.8	7	92.5	89	59.5
127-147 days	154	70.7	13	75.5	56	66.3	2	92.9	83	64.4
148-168 days	137	74.5	12	77.0	33	70.7	5	94.0	87	69.6
Over 168 days	934	100.0	175	100.0	220	100.0	28	100.0	511	100.0

* Excludes cases in which proceedings were adjourned sine die

Table 7

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 2004-05

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Unions	759	762	428	220	112
ASBESTOS WORKERS	1	1	1	0	0
AUTO WORKERS	5	6	3	3	0
BOILERMAKERS	0	1	1	0	0
BREWERY AND SOFT DRINK WORKERS	5	3	1	2	0
BRICKLAYERS INTERNATIONAL	33	109	92	11	6
CANADIAN AUTO WORKERS	44	46	19	24	3
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	41	39	25	6	8
CARPENTERS	104	57	25	18	14
CHRISTIAN LABOUR ASSOCIATION	18	20	12	3	5
CLC DIRECTLY CHARTERED	1	1	1	0	0
CLOTHING AND TEXTILE WORKERS	3	4	2	1	1
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	23	20	12	6	2
ELECTRICAL WORKERS (IBEW)	22	24	13	8	3
FOOD AND COMMERCIAL WORKERS	32	33	18	13	2
FOOD AND SERVICE WORKERS	13	10	5	5	0
HOTEL EMPLOYEES	4	3	2	1	0
INDEPENDENT LOCAL UNION	3	3	1	0	2
INTERNATIONAL OPERATING ENGINEERS	20	17	6	10	1
IWA – CANADA	3	3	0	2	1
LABOURERS	159	127	57	37	33
MACHINISTS	12	13	4	7	2
NEWSPAPER GUILD	3	4	0	3	1
OCCASSIONAL TEACHERS ASSOCIATION	1	1	1	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	7	9	6	3	0
ONTARIO NURSES ASSOCIATION	12	11	11	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	12	13	11	2	0
ONTARIO SECONDARY SCHOOL TEACHERS	2	2	2	0	0
PAINTERS	23	25	12	4	9
PLUMBERS	26	33	19	8	6
RETAIL WHOLESALE EMPLOYEES	7	7	3	3	1
SERVICE EMPLOYEES INTERNATIONAL	19	19	16	2	1
SHEET METAL WORKERS	13	11	4	5	2
STRUCTURAL IRON WORKERS	2	2	0	1	1
TEACHERS FEDERATION	1	1	0	0	1
TEAMSTERS	40	35	15	16	4
THEATRICAL STAGE EMPLOYEES	8	8	5	2	1
TRANSIT UNION (INTL.)	4	4	3	1	0
UNITED STEELWORKERS	26	27	16	9	2
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	7	10	4	4	0

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 8

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2004-05

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Industries	759	760	428	220	112
Manufacturing	36	35	14	17	4
CHEMICALS	1	0	0	0	0
FABRICATED METALS	2	2	1	1	0
FOOD, BEVERAGES	8	7	2	4	1
MACHINERY	1	1	1	0	0
PAPER	1	2	0	2	0
PETROLEUM	2	0	0	0	0
PRINTING, PUBLISHING	6	7	3	3	1
RUBBER, PLASTICS	1	1	0	0	1
TRANSPORTATION EQUIPMENT	4	4	4	0	0
WOOD	2	2	1	0	1
OTHER MANUFACTURING	8	9	2	7	0
Non-Manufacturing	723	725	414	203	108
ACCOMMODATION, FOOD SERVICES	12	10	8	2	0
CONSTRUCTION	332	344	193	87	64
EDUCATION, RELATED SERVICES	3	5	4	0	1
ELECTRIC, GAS, WATER	1	1	1	0	0
FINANCE, INSURANCE CARRIERS	1	0	0	0	0
HEALTH, WELFARE SERVICES	58	62	49	7	6
HOSPITAL	4	5	2	2	1
LOCAL GOVERNMENT	3	3	2	1	0
MUNICIPAL	1	0	0	0	0
PERSONAL SERVICES	1	1	1	0	0
REAL ESTATE, INSURANCE AGENCIES	1	1	1	0	0
RECREATIONAL SERVICES	5	5	1	2	2
RETAIL TRADE	4	4	1	3	0
SCHOOL BOARD	2	2	2	0	0
STORAGE	1	3	3	0	0
TRANSPORTATION	9	6	1	5	0
OTHER SERVICES	229	226	119	81	26
OTHER NON-MANUFACTURING	56	47	26	13	8

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 9

Size of Bargaining Units in Certification Applications Granted Fiscal Year 2004-05

Employee Size *	Total		Construction **		Non-Construction	
	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	428	11,610	195	1,425	233	10,185
0-9 employees	198	842	152	593	46	249
10-19 employees	98	1,312	29	381	69	931
20-39 employees	61	1,633	12	329	49	1,304
40-99 employees	42	2,543	2	122	40	2,421
100-199 employees	20	2,552	0	0	20	2,552
200-499 employees	8	2,228	0	0	8	2,228
500 employees or more	1	500	0	0	1	500

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 435 bargaining units were certified in the 428 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 10, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 10
Time Required to Process Certification Applications Granted *
Fiscal Year 2004-05

Working Days (including adjournments requested by the parties)	Total Certified				Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	428	100.0	233	100.0	195	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	0	0.0	0	0.0	0	0.0
15-21 days	75	17.5	63	27.0	12	6.2
22-28 days	115	44.4	83	62.7	32	22.6
29-35 days	50	56.1	33	76.8	17	31.3
36-42 days	14	59.3	8	80.3	6	34.4
43-49 days	15	62.9	11	85.0	4	36.4
50-56 days	8	64.7	8	88.4	0	36.4
57-63 days	5	65.9	4	90.1	1	36.9
64-70 days	5	67.1	2	91.0	3	38.5
71-77 days	4	68.0	1	91.4	3	40.0
78-84 days	3	68.7	3	92.7	0	40.0
85-91 days	5	69.9	3	94.0	2	41.0
92-98 days	0	69.9	0	94.0	0	41.0
99-105 days	3	70.6	2	94.8	1	41.5
106-126 days	3	71.3	1	95.3	2	42.6
127-147 days	4	72.2	0	95.3	4	44.6
148-168 days	6	73.6	1	95.7	5	47.2
Over 168 days	113	100.0	10	100.0	103	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 11

Employment Status of Employee in Bargaining Units Certified by Industry
Fiscal Year 2004-05

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	428	11,608	4	607	2	79	3	165	419	10,757
Manufacturing	14	409	0	0	0	0	0	0	14	409
FABRICATED METALS	1	14	0	0	0	0	0	0	1	14
FOOD, BEVERAGES	2	27	0	0	0	0	0	0	2	27
WOOD	1	28	0	0	0	0	0	0	1	28
PRINTING, PUBLISHING	3	13	0	0	0	0	0	0	3	13
MACHINERY	1	57	0	0	0	0	0		1	57
TRANSPORTATION EQUIPMENT	4	120	0	0	0	0	0	0	4	120
OTHER MANUFACTURING	2	150	0	0	0	0	0	0	2	150
Non-Manufacturing	414	11,199	4	607	2	79	3	165	405	10,348
ACCOMODATION, FOOD SERVICES	8	263	0	0	0	0	2	56	6	207
CONSTRUCTION	193	1,416	0	0	0	0	0	0	193	1,416
EDUCATION, RELATED SERVICES	4	99	0	0	0	0	0	0	4	99
ELECTRIC, GAS, WATER	1	8	0	0	0	0	0	0	1	8
HEALTH, WELFARE SERVICES	49	2,480	1	2	0	0	0	0	48	2,478
HOSPITAL	2	187	0	0	0	0	0	0	2	187
LOCAL GOVERNMENT	2	157	0	0	0	0	0	0	2	157
PERSONAL SERVICES	1	35	0	0	0	0	0	0	1	35
REAL ESTATE, INSURANCE AGENCIES	1	11	0	0	0	0	0	0	1	11
RECREATIONAL SERVICES	1	60	0	0	0	0	0	0	1	60
RETAIL TRADE	1	402	0	0	0	0	0	0	1	402
SCHOOL BOARD	2	129	0	0	0	0	1	109	1	20
STORAGE	3	302	0	0	0	0	0	0	3	302
TRANSPORTATION	1	8	0	0	0	0	0	0	1	8
OTHER SERVICES	119	4,121	1	105	1	65	0	0	117	3,951
OTHER NON-MANUFACTURING	26	1,521	2	500	1	14	0	0	23	1,007

Table 12

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 2004-05

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	428	11,338	2	252	1	14	3	165	422	11,351
ASBETOS WORKERS	1	5	0	0	0	0	0	0	1	5
AUTO WORKERS	3	36	0	0	0	0	0	0	3	36
BOILERMAKERS	1	27	0	0	0	0	0	0	1	27
BREWERY AND SOFT DRINK WORKERS	1	3	0	0	0	0	0	0	1	3
BRICKLAYERS INTERNATIONAL	92	682	0	0	0	0	0	0	92	682
CANADIAN AUTO WORKERS	19	1,716	0	0	0	0	0	0	19	1,716
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	25	1,427	0	0	0	0	0	0	25	1,427
CARPENTERS	25	136	0	0	0	0	0	0	25	136
CHRISTIAN LABOUR ASSOCIATION	12	860	1	250	0	0	0	0	11	360
CLC DIRECTLY CHARTERED	1	22	0	0	0	0	0	0	1	22
CLOTHING AND TEXTILE WORKERS	2	86	0	0	0	0	0	0	2	86
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	12	330	0	0	0	0	0	0	12	330
ELECTRICAL WORKERS (IBEW)	13	114	0	0	0	0	0	0	13	114
FOOD AND COMMERCIAL WORKERS	18	745	0	0	0	0	0	0	18	745
FOOD AND SERVICE WORKERS	5	83	0	0	0	0	0	0	5	83
HOTEL EMPLOYEES	2	29	0	0	0	0	0	0	2	29
INDEPENDENT LOCAL UNION	1	38	0	0	0	0	0	0	1	38
INTERNATIONAL OPERATING ENGINEERS	6	49	0	0	0	0	0	0	6	49
LABOURERS	57	1,306	0	0	0	0	0	0	57	1,306
MACHINISTS	4	75	0	0	0	0	0	0	4	75
OCCASIONAL TEACHERS ASSOCIATION	1	25	0	0	0	0	0	0	1	25
OFFICE AND PROFESSIONAL EMPLOYEES	6	109	0	0	0	0	0	0	6	109
ONTARIO NURSES ASSOCIATION	11	136	0	0	0	0	0	0	11	136
ONTARIO PUBLIC SERVICE EMPLOYEES	11	712	1	2	1	14	1	109	8	587
ONTARIO SECONDARY SCHOOL TEACHERS	2	156	0	0	0	0	0	0	2	156
PAINTERS	12	61	0	0	0	0	0	0	12	61
PLUMBERS	19	111	0	0	0	0	0	0	19	111
RETAIL WHOLESALE EMPLOYEES	3	51	0	0	0	0	0	0	3	51
SERVICE EMPLOYEES INTERNATIONAL	16	819	0	0	0	0	0	0	16	819
SHEET METAL WORKERS	4	25	0	0	0	0	0	0	4	25
TEAMSTERS	15	547	0	0	0	0	2	56	13	491
THEATRICAL STAGE EMPLOYEES	5	26	0	0	0	0	0	0	5	26
TRANSIT UNION (INTL.)	3	236	0	0	0	0	0	0	3	236
UNITED STEELWORKERS	16	555	0	0	0	0	0	0	16	555
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	4	694	0	0	0	0	0	0	4	694

Table 13

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2004-05

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	428	11,594	218	3,246	2	8	1	11	0	0	207	8,329
Manufacturing	14	395	4	167	2	8	0	0	0	0	8	220
FABRICATED METAL	1	14	0	0	0	0	0	0	0	0	1	14
FOOD, BEVERAGES	2	27	0	0	0	0	0	0	0	0	2	27
WOOD	1	28	0	0	0	0	0	0	0	0	1	28
PRINTING, PUBLISHING	3	13	1	2	2	8	0	0	0	0	1	3
MACHINERY	1	57	0	0	0	0	0	0	0	0	1	57
TRANSPORTATION EQUIPMENT	4	120	1	15	0	0	0	0	0	0	3	105
OTHER MANUFACTURING	2	150	2	150	0	0	0	0	0	0	0	0
Non-Manufacturing	414	11,199	214	3,079	0	0	1	11	0	0	199	8,109
ACCOMODATION, FOOD SERVICES	8	263	0	0	0	0	0	0	0	0	8	263
CONSTRUCTION	193	1,416	179	1,266	0	0	0	0	0	0	14	150
EDUCATION, RELATED SERVICES	4	99	1	25	0	0	0	0	0	0	3	74
ELECTRICAL, GAS, WATER	1	8	0	0	0	0	0	0	0	0	1	8
HEALTH, WELFARE SERVICES	49	2,480	24	1,125	0	0	1	11	0	0	24	1,344
HOSPITAL	2	187	1	17	0	0	0	0	0	0	1	170
LOCAL GOVERNMENT	2	157	0	0	0	0	0	0	0	0	2	157
PERSONAL SERVICES	1	35	0	0	0	0	0	0	0	0	1	35
REAL ESTATE, INSURANCE AGENCIES	1	11	1	11	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	1	60	0	0	0	0	0	0	0	0	1	60
RETAIL TRADE	1	402	1	402	0	0	0	0	0	0	0	0
STORAGE	3	302	1	62	0	0	0	0	0	0	2	240
SCHOOL BOARD	2	129	0	0	0	0	0	0	0	0	2	129
TRANSPORTATION	1	8	0	0	0	0	0	0	0	0	1	8
OTHER SERVICES	119	4,121	5	166	0	0	0	0	0	0	114	3,955
OTHER NON-MANUFACTURING	26	1,521	1	5	0	0	0	0	0	0	25	1,516

Table 14

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 2004-05

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	428	11,406	214	3,246	1	8	1	11	0	0	212	8,141
ASBESTOS WORKERS	1	5	0	0	0	0	0	0	0	0	1	5
AUTO WORKERS	3	36	1	15	0	0	0	0	0	0	2	21
BREWERY AND SOFT DRINK WORKERS	1	3	0	0	0	0	0	0	0	0	1	3
BOILERMAKERS	1	27	1	27	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	92	682	80	599	0	0	0	0	0	0	12	83
CANADIAN AUTO WORKERS	19	1,716	3	674	0	0	0	0	0	0	16	1,042
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	25	1,427	6	287	0	0	0	0	0	0	19	1,140
CARPENTERS	25	136	25	136	0	0	0	0	0	0	0	0
CLC DIRECTLY CHARTERED	1	22	0	0	0	0	0	0	0	0	1	22
CLOTHING AND TEXTILE WORKERS	2	86	0	0	0	0	0	0	0	0	2	86
CHRISTIAN LABOUR ASSOCIATION	12	860	3	134	0	0	0	0	0	0	9	726
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	12	330	1	2	1	8	0	0	0	0	10	320
ELECTRICAL WORKERS (IBEW)	13	114	9	77	0	0	0	0	0	0	4	37
FOOD AND COMMERCIAL WORKERS	18	745	0	0	0	0	0	0	0	0	18	745
FOOD AND SERVICE WORKERS	5	83	0	0	0	0	0	0	0	0	5	83
HOTEL EMPLOYEES	2	29	0	0	0	0	0	0	0	0	2	29
INDEPENDENT LOCAL UNION	1	38	0	0	0	0	0	0	0	0	1	38
INTERNATIONAL OPERATING ENGINEERS	6	49	5	45	0	0	0	0	0	0	1	4
LABOURERS	57	1,306	34	515	0	0	0	0	0	0	23	791
MACHINISTS	4	75	0	0	0	0	0	0	0	0	4	75
OCCASSIONAL TEACHERS ASSOCIATION	1	25	1	25	0	0	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	6	109	0	0	0	0	0	0	0	0	6	109
ONTARIO NURSES ASSOCIATION	11	136	3	38	0	0	1	11	0	0	7	87
ONTARIO PUBLIC SERVICE EMPLOYEES	11	712	2	67	0	0	0	0	0	0	9	645
ONTARIO SECONDARY SCHOOL TEACHERS	2	156	0	0	0	0	0	0	0	0	2	156
PAINTERS	12	61	12	61	0	0	0	0	0	0	0	0
PLUMBERS	19	111	13	71	0	0	0	0	0	0	6	40
RETAIL WHOLESALE EMPLOYEES	3	51	0	0	0	0	0	0	0	0	3	51
SERVICE EMPLOYEES INTERNATIONAL	16	819	6	217	0	0	0	0	0	0	10	602
SHEET METAL WORKERS	4	25	4	25	0	0	0	0	0	0	0	0
TEAMSTERS	15	547	2	70	0	0	0	0	0	0	13	477
THEATRICAL STAGE EMPLOYEES	5	26	0	0	0	0	0	0	0	0	5	26
TRANSIT UNION (INTL.)	3	236	0	0	0	0	0	0	0	0	3	236
UNITED STEELWORKERS	16	555	3	161	0	0	0	0	0	0	13	394
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	4	68	0	0	0	0	0	0	0	0	4	68

Table 15

CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2003 AND MARCH 31, 2005

Number of Cases

Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 04/05											
Industrial	2	365	6	3	4	1	1	1	-	1	384
Construction	-	98	139	49	4	3	1	1	-	-	295
Total	2	463	145	52	8	4	2	2	-	1	679

Percentage of Cases

Number of Days between Application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	0.5%	95%	2%	1%	1%	0.3%	0.3%	0.3%	-	0.3%
Construction	-	33%	47%	17%	1%	1%	0.3%	0.3%	-	-

Summary

Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial			99%
Construction	33%		

96%

98%

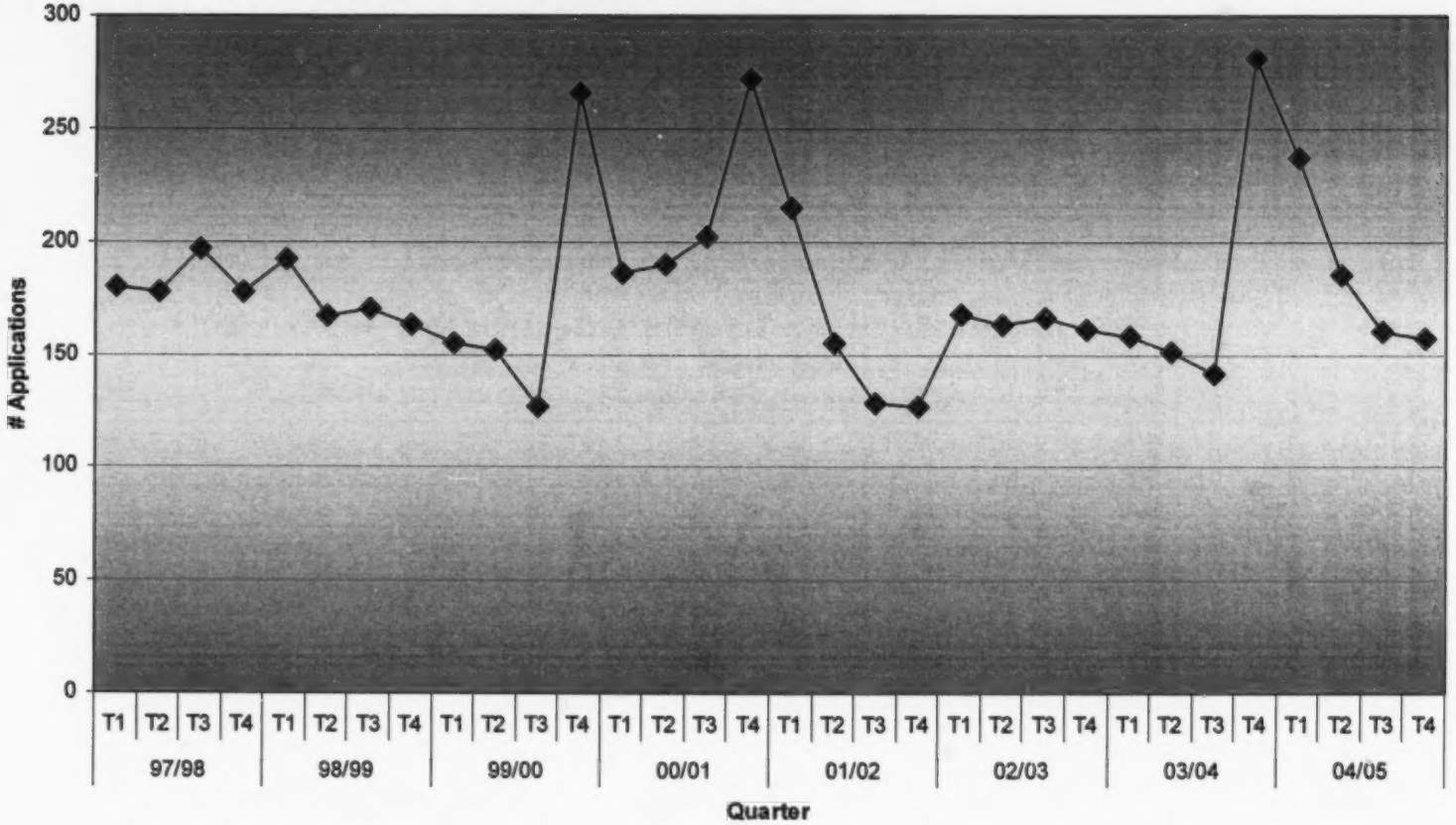
97%

100%

16A

New Certification Applications Received

By Quarter, April 1, 1998 to March 31, 2005



NEW CERTIFICATION APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2005

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	180	178	197	178	733
98/99	192	167	170	163	692
99/00	155	152	127	266	700
00/01	186	190	202	272	850
01/02	215	155	128	127	625
02/03	168	163	166	161	658
03/04	158	151	141	281	731
04/05	237	185	160	157	739
TOTAL	1491	1341	1291	1605	5728

Table 17

TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2004 AND MARCH 31, 2005

Number of Cases

Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 04/05	1	51	14	11	4	2	1	-	-	1	85

Percentage of Cases

Number of Days between Application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
		60%	16%	13%	5%	2%	1%	-	-	1%

Summary

Percentages of votes held within

1%

5 days or less

7 days or less

10 days or less

99%

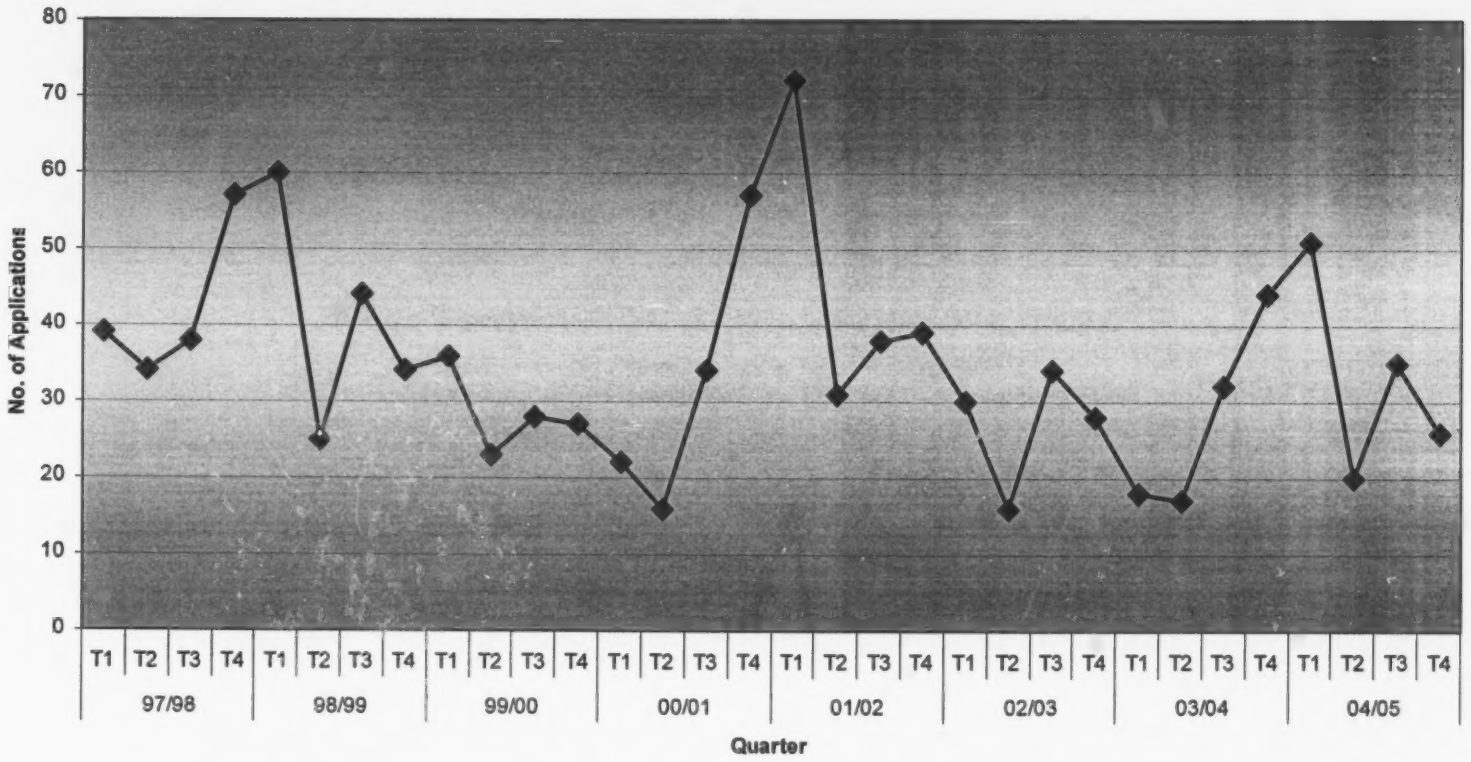
61%

91%

18A

New Termination Applications Received

By Quarter, April 1, 1998 to March 31, 2005



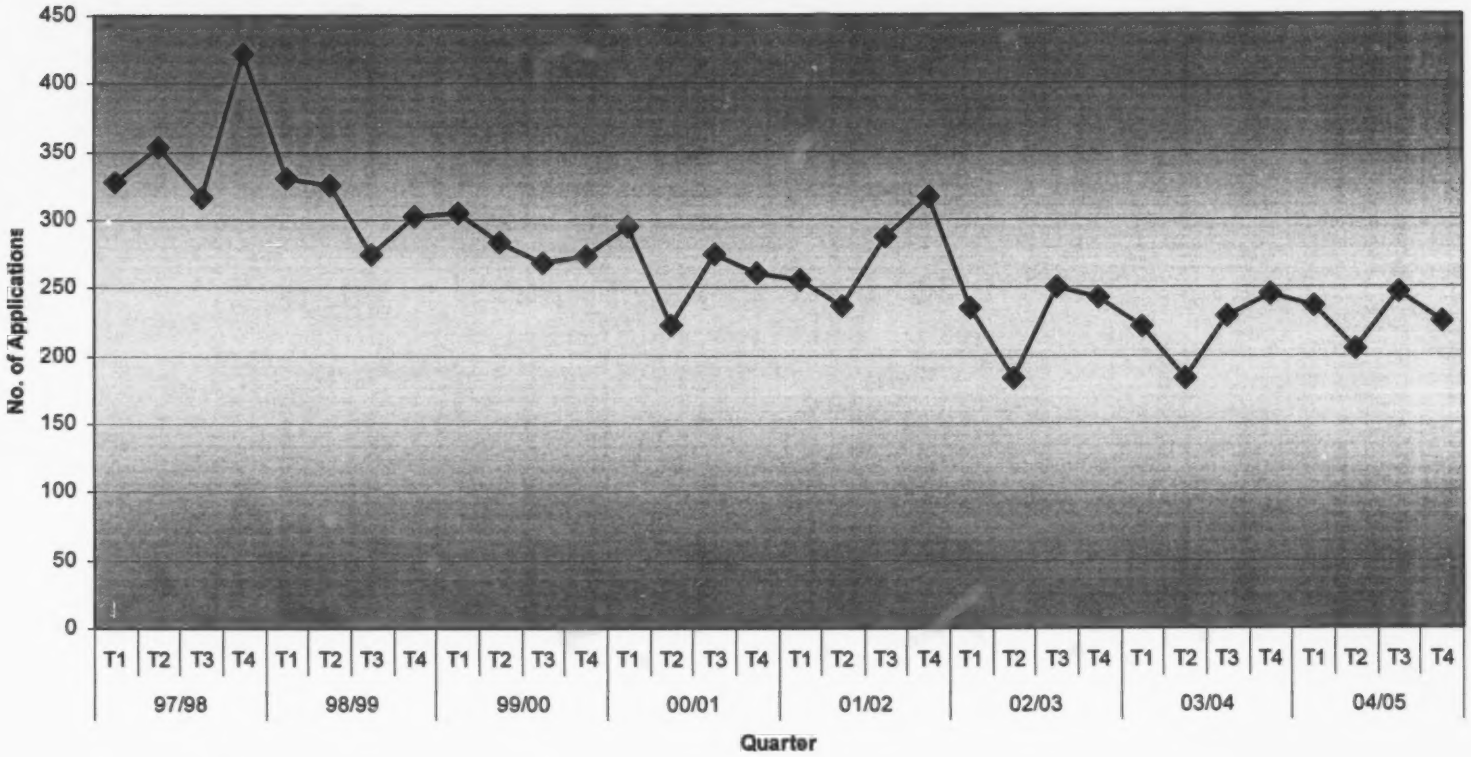
NEW TERMINATION APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2005

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	39	34	38	57	168
98/99	60	25	44	34	163
99/00	36	23	28	27	114
00/01	22	16	34	57	129
01/02	72	31	38	39	180
02/03	30	16	34	28	108
03/04	18	17	32	44	111
04/05	51	20	35	26	132
TOTAL	328	182	283	312	1105

19A

New Unfair Labour Practice Applications Received

By Quarter, April 1, 1998 to March 31, 2005



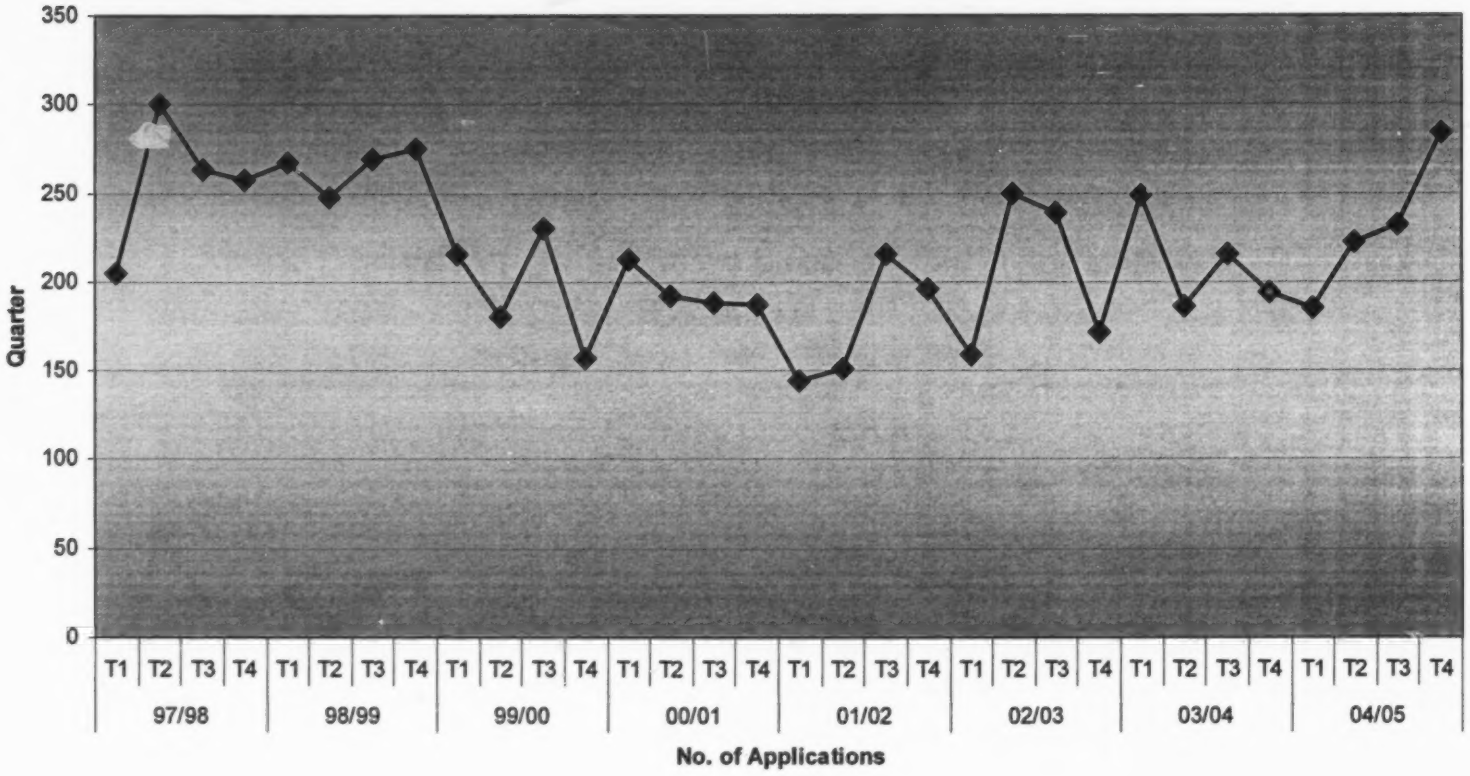
NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2005

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	328	353	316	422	1419
98/99	331	326	274	302	1233
99/00	305	284	268	273	1130
00/01	295	222	274	261	1052
01/02	256	237	287	316	1096
02/03	235	183	251	243	912
03/04	221	183	229	245	878
04/05	237	205	246	225	913
TOTAL	2208	1993	2145	2287	8633

20A

New Construction Industry Grievances Applications Received

By Quarter, April 1, 1998 to March 31, 2005



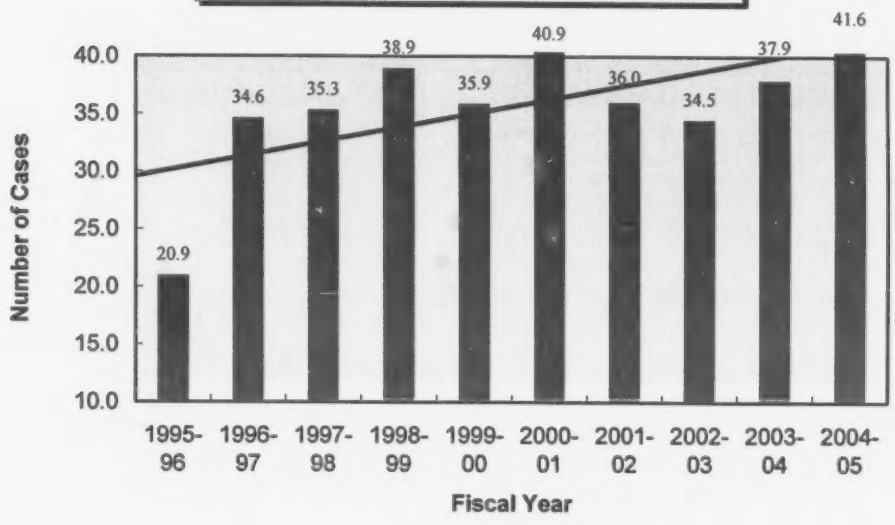
NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2005

Fiscal Year	1st	2nd	3rd	4th	TOTAL
97/98	205	300	263	257	1025
98/99	267	248	269	275	1059
99/00	215	180	230	157	782
00/01	213	192	188	187	780
01/02	144	151	215	196	706
02/03	159	250	239	172	820
03/04	249	186	215	194	844
04/05	185	222	232	284	923
TOTAL	1637	1729	1851	1722	6939

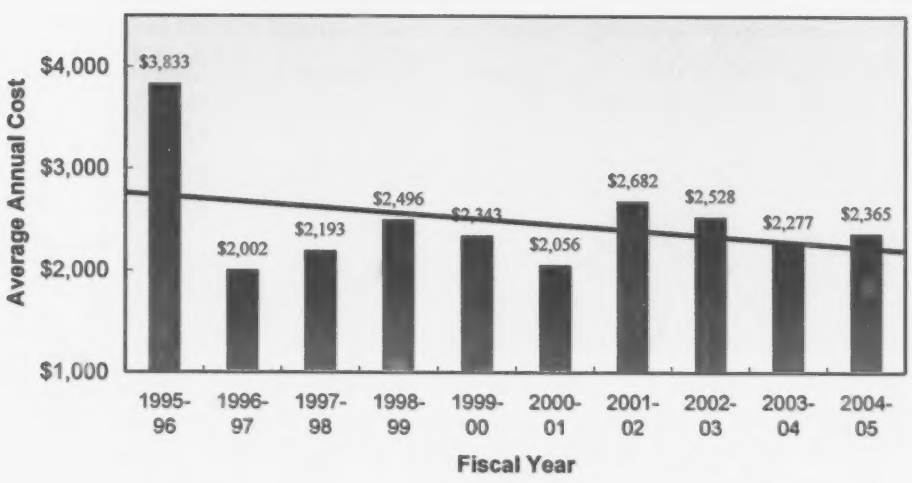
OLRB Case Management Efficiencies 1995-2005

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time employee) and the average annual cost per case calculation and compares the results against the previous fiscal years.

Average Annual Disposed Cases per FTE



Average Annual Disposition Cost per Case



III OLRB – Measuring Performance – Achieving Goals

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2004-2005 Commitments	2004-2005 Achievements
Quality Service (Corporate) Measures: Degree of compliance with OPS-wide Common Service Standards	80% overall compliance with telephone standard	80% overall compliance with telephone standard	**Actual: Exceeded corporate commitment – 91%** *As verified by internal OLRB survey
	Correspondence will be answered, on average, within 15 days	Correspondence will be answered, on average, within 10 days	**Actual: Exceeded corporate commitment -** avg. 3.0 days *Verified by OLRB correspondence log
Fiscal Measures: % variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	**Actual: Exceeded commitment -** Less than 1% variance *As verified by MOL 2004/2005 Approved budget = 11,930.0 Actual expenditure = 11, 870.05
Program Effectiveness Measures: Meet legislated time lines	100% of certification votes (industrial) within 5-7 days of application	Standard adjusted (from 1999) to: 90% cert. votes held within 5-7 days. 95% held within 7-10 days Adjusted standard to 5% or less held within more than 10 days	**Actual: Exceeded commitment** 98.0% of votes held within 5-7 days or less **Variance from commitment-** 99.0% of votes held within 7-10 days or less 1.0 % of votes held in more than 10 days
% of cases going to hearing in fiscal year with outstanding decisions	No more than 2% of adjudicators' cases going to hearing have decisions outstanding more than 6 months	No more than 2% of adjudicators' cases going to hearing have decisions outstanding more than 6 months	**Actual: Exceeded commitment** No cases.
% of LRA cases settled by mediation % of ES and HS appeal cases settled by mediation	80% of LRA cases settled through mediation ES cases = 70% HS cases = 70%	80% of LRA cases settled through mediation ES cases = 70% HS cases = 70%	**Actual: Exceeded commitment – avg. 85.3%** *Based on completed case activity in certification/ unfair labour practices/grievances. **Actual: Exceeded commitment –** ES – 75.0% (875 of 1171) HS – 92% (117 of 127)
% of judicial reviews upheld	100% of judicial reviews upheld Board decision	100% of judicial reviews upheld Board decision	**Actual: 96%** *Based on 23 disposed cases: 1 granted, 11 dismissed, 11 abandoned.
Timeliness of information Measures:	Monthly publication of "Highlights" Bulletin within 10 days of the end of each month and bi-monthly reports within 2-4 weeks of month-end	Publish "Highlights" Bulletin within 2-3 weeks of month-end	**Actual: Meeting commitment** *Periodic variances attributed to printing delays etc.
Publications		Publish bi-monthly Reports within 6-8 weeks of month-end	**Actual: Meeting commitment** *Periodic variances attributed to publishing/translation delays
Annual Report	Annual publication of OLRB annual report within 12 weeks of the end of the fiscal year	Annual publication of OLRB annual report within 90 days fiscal year end	**Actual: Meeting commitment**

IV OLRB - Financial Performance – Managing the Dollars

The OLRB is established as an independent administrative tribunal, and operates at arm's length from the Ministry of Labour. However, from a budgetary perspective, the OLRB is an Adjudicative Agency accountable to the Minister of Labour. The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report quarterly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year – 2004/2005
All figures in $000.0 thousand

Account	Approved Budget Estimates*	Total Actual Expenditure	Variance	% of Variance	Explanation
Salaries & Wages	7,845.9	7,416.8	429.1	5%	Vacancy savings
Benefits	951.1	977.7	(26.6)	-3%	
Transp. & Comm.	739.0	686.6	52.4	7%	Reduced travel costs
Services (incl. Lease)	2,267.7	2,667.6	(399.9)	-17%	IT and Shared Service Pressures
Supplies & Equipment	126.6	121.2	5.4	4%	
Total ODOE	3,133.3	3,475.4	(342.1)	-11%	
Total ***	**11,930.3**	**11,870.0**	**60.3**	**0.5%**	

*** Approved Estimates ** Total Actual Expenditures including lease costs ***Savings used to offset costs/expenditures**

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Construction Grievances	350.0	431.5	+81.5	23%	Higher activity levels in construction industry
Subscriptions	38.5	44.0	+5.5	14%	
Total	**388.5**	**475.5**	**87.0**	**22%**	

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